

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
ENTERED

MAR 13 2003

Michael N. Milby, Clerk of Court

AFFILIATED COMMERCIAL SERVICES, §
INC., §
§
Plaintiff, §
§
v. §
§
CISCO SYSTEMS, INC. and CISCO §
SYSTEMS CAPITAL CORPORATION §
§
Defendants. §

CIVIL CASE NO. 03-CV-46

STIPULATION AND [PROPOSED] ORDER FOR EXTENSION OF TIME

Plaintiff Affiliated Commercial Services, Inc. ("ACSI") and Defendants Cisco Systems, Inc. and Cisco Systems Capital Corporation (collectively "Cisco") file this joint stipulation affecting certain motions before the Court and requesting that the Court dismiss certain claims with prejudice.

WHEREAS, ACSI filed its Plaintiff's Original Petition in the 152nd Judicial District of Harris County, Texas on December 6, 2002 (the "Original Petition")

WHEREAS, Cisco filed its Notice of Removal on January 6, 2003.

WHEREAS, Cisco filed its Motion to Dismiss (Docket No. 3) on January 13, 2003;

WHEREAS, ACSI filed its Motion for Leave of Court to Amend Complaint (Docket No. 6) on February 14, 2003;

WHEREAS, ACSI has agreed to dismiss with prejudice all claims against Cisco that ACSI obtained from or through Crescent Services Corp. d/b/a HTE8 or its affiliates ("Crescent");

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WHEREAS, the parties expressly understand and agree that the aforementioned dismissal of claims with prejudice does not include dismissal of the claims held by ACSI as set forth in Plaintiff's Amended Complaint (attached to Docket No. 6);

WHEREAS, Cisco has agreed to withdraw the aforementioned Motion to Dismiss;

WHEREAS, Cisco has agreed not to oppose the aforementioned Motion for Leave.

IT IS STIPULATED AND AGREED THAT the parties hereto, through their respective counsel, hereby request that the Court issue an Order as follows:

1. All claims obtained by ACSI from or through Crescent (including all claims that arise from the same transactions or occurrences as the claims obtained by ACSI from or through Crescent) are dismissed with prejudice; except as provided in paragraph 2 below.

2. All claims asserted by ACSI as set forth in Plaintiff's Amended Complaint (attached to Docket No. 6) are retained and are not dismissed.

3. Cisco's Motion to Dismiss (Docket No. 3) is withdrawn; and

4. Cisco is not opposed to the relief sought by the Motion for Leave of Court to Amend Complaint (Docket No. 6), and that motion is therefore granted. Cisco's deadline to answer or otherwise plead in light of the amended complaint shall be 30 days from the date the Court enters this Order.

Dated: 3/10/03

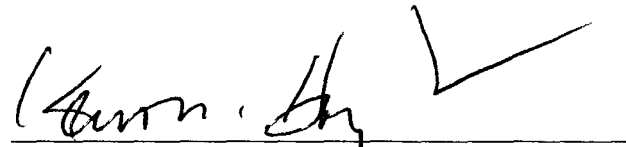
David T. Altenbern by permission
David T. Altenbern
Counsel for Plaintiff
AFFILIATED COMMERCIAL SERVICES, INC. *Suzanne R. Chauri*

Dated: 3/10/03

Fred I. Williams by permission
Fred I. Williams
Counsel for Defendants
CISCO SYSTEMS, INC. and CISCO SYSTEMS
CAPITAL CORPORATION *Suzanne R. Chauri*

AS STIPULATED BY THE PARTIES, IT IS SO ORDERED.

SIGNED this 13th day of March, 2003.


UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via facsimile on counsel of record on this 10th day of March, 2003, addressed to:

David T. Altenbern
James E. Bradley
Altenbern & Associates P. C..
5718 Westheimer, Suite 1525
Houston, Texas 77057
Facsimile: (713) 781-4186

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